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## BEFORE THE ARIZONA CORPORATION C

KRISTIN K. MAYES  
Chairman

GARY PIERCE  
Commissioner

PAUL NEWMAN  
Commissioner

SANDRA D. KENNEDY  
Commissioner

BOB STUMP  
Commissioner

Arizona Corporation Commission

**DOCKETED**

MAR 17 2009

DOCKETED BY

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IN THE MATTER OF THE APPLICATION  
OF MOUNT TIPTON WATER CO., INC.  
FOR AN EMERGENCY RATE INCREASE

DOCKET NO. W-02105A-08-0262

DECISION NO. 70838

**ORDER AMENDING**  
**DECISION NO. 70559**

Open Meeting  
March 3 and 4, 2009  
Phoenix, Arizona

## BY THE COMMISSION:

Pursuant to Arizona Revised Statutes ("A.R.S.") § 40-252 the Arizona Corporation Commission ("Commission") finds, concludes and orders that Decision No. 70559 is amended to modify certain bond requirements as follows:

FINDINGS OF FACT

1. On May 23, 2008, Mount Tipton Water Co., Inc. ("Mount Tipton") filed with the Commission an application requesting emergency rate relief to increase its cash flow so as to cover operating expenses and increase water availability to its customers. Mount Tipton specifically requested an emergency rate increase of \$10.00 per customer per month.

2. On October 23, 2008, the Commission issued Decision No. 70559, granting Mount Tipton an emergency interim surcharge of \$10.00 per month per metered customer, with the condition that the surcharge would not become effective and could not be billed for or collected until after Mount Tipton had posted a performance bond or irrevocable sight draft letter of credit in the amount of \$20,000 with the Commission.

7. Staff contacted Mount Tipton, and Mount Tipton fully supports an amendment to Decision No. 70559 to reduce the performance bond or letter of credit amount from \$20,000 to \$5,000. While Mount Tipton is entitled to an evidentiary hearing, if desired, it indicated a desire to have this matter considered by the Commission at its earliest possible Open Meeting without an additional evidentiary hearing.

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1           3.       Under the circumstances presented, it is reasonable to amend Decision No. 70559 to  
2 reduce the amount of the performance bond or letter of credit from \$20,000 to \$5,000 and  
3 requiring Mount Tipton to file such document within 30 days of the date of this Decision.

4           4.       Under A.R.S. §40-252, it is necessary to give notice to Mount Tipton an  
5 opportunity to be heard before amending Decision No. 70559 as described herein.

6           5.       The Commission, pursuant to A.R.S. §40-252 provided notice and opportunity to be  
7 heard, to Mount Tipton, and Mount Tipton indicated it does not desire to have an additional  
8 evidentiary hearing, and requested that the Commission consider this matter at its earliest possible  
9 Open Meeting.

10                               ORDER

11           IT IS THEREFORE ORDERED that Decision No. 70559 is amended to reduce the  
12 performance bond or letter of credit amount from \$20,000 to \$5,000.

13           IT IS FURTHER ORDERED that all other requirements of Decision No. 70559 shall  
14 remain unchanged.

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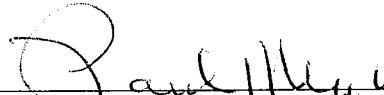
IT IS FURTHER ORDERED that Mount Tipton Water Co., Inc. shall file with the Commission's Business Office the original performance bond or letter of credit and shall file the required number of copies with Docket Control, as a compliance item in this docket, within 30 days of the date of this Decision.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**



CHAIRMAN



COMMISSIONER



COMMISSIONER

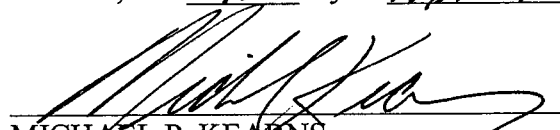


COMMISSIONER



COMMISSIONER

IN WITNESS WHEREOF, I MICHAEL P. KEARNS, Interim Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 17th day of MARCH, 2009.



MICHAEL P. KEARNS  
Interim Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

EGJ:KDB:lmh\WVC

1 SERVICE LIST FOR: Mount Tipton Water Co., Inc.  
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